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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application Number	09/802,110
		Filing Date	March 7, 2001
		First Named Inventor	Leushner et al.
		Art Unit	1637
		Examiner Name	Cynthia B. Wilder
Total number of Pages in this Submission	7	Attorney Docket Number	49493.830001.US14 (0032)

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):
Remarks  Replacement pages for "Amendment to the Claims"		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Holland & Hart, LLP  Christopher L. Wight
Signature	
Date	October 4, 2004

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PATENT

Attorney Docket No. 49493.830001.US14 (0032)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

Leushner et al.

Serial No.: 09/802,110

Filed: March 7, 2001

For: METHOD, COMPOSITIONS AND KIT  
FOR DETECTION AND IDENTIFICATION OF  
MICROORGANISMS

Examiner: Cynthia B. Wilder

Art Unit: 1637

**RESPONSE TO NOTICE OF NON-RESPONSIVE AMENDMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Sir:

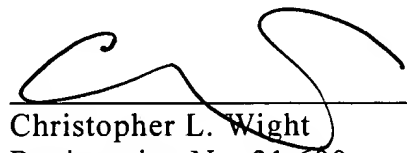
In response to the Notice of Non-Responsive Amendment, dated September 28, 2004, Applicants submit herewith a corrected "Amendment to the claims" section, which was previously submitted in the Amendment accompanying the Request for Continued Examination (RCE) filed on July 7, 2004. The corrected "Amendment to the claims" section contains a corrected claims status identifier of "previously presented" for claims 15, 16, 27, and 28.

In view of the fact that the above-referenced Amendment was a bona fide attempt to reply to the previously outstanding final Office Action, and was filed as a submission

concurrently with the RCE, the filing of the RCE tolls the period of reply to the final Office Action, and Applicants are entitled to a shortened statutory period of one month or thirty days (whichever is longer) to complete the reply to the Notice of Non-Responsive Amendment (*See*, M.P.E.P §706.07(h)(VI)).

The corrected "Amendment to the claims" section now complies with 37 CFR 1.121, and Applicants request continued examination of the application pursuant to the previously filed Request for Continued Examination.

Respectfully submitted,



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Date: October 4, 2004

CLW/jml

Enclosure: Replacement pages for "Amendment to the claims" section

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